

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MARTHA JANE TOY, Individually, :
And As Executrix And Personal :
Representative Of The Estate Of :
Russell B. Toy, Deceased, :
 :
Plaintiff, :
 :
v. : Civil Action No. 05-760-JJF
 :
PLUMBERS & PIPEFITTERS LOCAL :
UNION NO. 74 PENSION PLAN, TRUSTEES :
OF PLUMBERS & PIPEFITTERS LOCAL :
UNION NO. 74 PENSION PLAN, HEALTH :
AND WELFARE PLAN, LOCAL 74, WELFARE :
BENEFIT PLAN, LIFE INSURANCE PLAN, :
LOCAL 74, INSURANCE PLAN, LOCAL 74, :
ADMINISTRATORS OF PENSION AND :
WELFARE PLANS, TRUSTEES OF :
PLUMBERS & PIPEFITTERS LOCAL UNION :
NO. 74 WELFARE PLAN, PLAN :
ADMINISTRATOR OF PENSION WELFARE :
PLANS, INSURANCE PLANS, AND HEALTH :
AND WELFARE BENEFIT PLAN, :
 :
Defendants. :

ORDER

NOW THEREFORE, for the reasons set forth in the Memorandum
Opinion issued this date, IT IS HEREBY ORDERED that:

1. Plaintiff's Motion For Rule 59 Reargument Of Memorandum
And Order Entered July 21, 2006 To Dismiss Plaintiff's Complaint
And Granting Defendants Motion For Summary Judgment is DENIED.
(D.I. 54).

2. Defendants' Motion For Attorneys Fees Under 29 U.S.C. §
1132(g)(1) And/Or 28 U.S.C. §1927 is DENIED. (D.I. 51).

July 23, 2007
DATE


UNITED STATES DISTRICT JUDGE